

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

**Thomas C. Clowney**  
Debtor(s)

Bankruptcy Case No.: 14-23665-JAD  
Issued Per May 10, 2018 Proceeding  
Chapter: 13  
Docket No.: 180 – 176, 177  
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED  
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

**(1.) PLAN CONFIRMATION:**

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated March 20, 2018 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☒ H. Additional Terms: Fee application needed if any fee (including retainer) exceeds \$4,000 including any fees paid to prior counsel.

**(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:**

**A. Objections to the Plan.** Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

**B. Applications to retain brokers, sales agents, or other professionals.** If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

**C. Review of Claims Docket and Objections to Claims.** Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

**D. Motions or Complaints Pursuant to §§506, 507 or 522.** All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

**E. Filing Amended Plans.** Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

**A.** After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

**B.** Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

**C.** Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

**D.** Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

**E.** The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

**F.** In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.

Dated: May 21, 2018

Jeffery A. Deller  
United States Bankruptcy Judge

cc: All Parties in Interest to be served by Clerk in seven (7) days

## Imaged Certificate of Notice Page 4 of 5

United States Bankruptcy Court  
Western District of PennsylvaniaIn re:  
Thomas C. Clowney  
DebtorCase No. 14-23665-JAD  
Chapter 13**CERTIFICATE OF NOTICE**

District/off: 0315-2

User: jhel  
Form ID: 149Page 1 of 2  
Total Noticed: 17

Date Rcvd: May 21, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 23, 2018.

db +Thomas C. Clowney, 143 Castle Drive, Pittsburgh, PA 15235-1855  
 cr +Credit Acceptance Corporation, 25505 W. 12 Mile Road, Suite 3000,  
 Southfield, MI 48034-8331  
 cr +Fay Servicing, LLC, 440 S. LaSalle Street, Suite 2000, Chicago, IL 60605-5011  
 cr +Statebridge Company, Stern & Eisenberg, PC, 1581 Main Street, Suite 200,  
 Warrington, PA 18976-3400  
 cr +Wilmington Savings Fund Society, Aldridge Pite, LLP, 4375 Jutland Dr Suite 200,  
 San Diego, CA 92117-3600  
 cr +Wilmington Savings Fund Society, et al., Stern & Eisenberg, PC, 1581 Main Street, Suite 200,  
 Warrington, PA 18976-3400  
 13919726 +Credit Acceptance, 25505 West Twelve Mile Rd, Suite 3000, Southfield MI 48034-8331  
 13919392 +Credit Acceptance Corp., PO Box 5070, Southfield, MI 48086-5070  
 14281658 +Fay Servicing, LLC, 3000 Kellway Dr., Ste 150, Carrollton, TX 75006-3357  
 13984706 +Municipality of Penn Hills, c/o Portnoff Law Associates, Ltd., P.O. Box 3020,  
 Norristown, PA 19404-3020  
 13919395 +PNC Bank, 2730 Liberty Avenue, Pittsburgh, PA 15222-4747  
 13919396 +Specialized Loan Servicing, 8742 Lucent Blvd., Ste. 300, Littleton, CO 80129-2386  
 14777681 +Wilmington Savings Fund Society FSB, c/o Kondaur Capital Corporation,  
 333 South Anita Drive, ste 400, Orange CA 92868-3314  
 14131992 +Wilmington Savings Fund Society, FSB, et al., c/o Statebridge Company LLC,  
 5680 Greenwood Plaza Blvd., Suite 100s, Greenwood Village, CO 80111-2404

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

13977304 +E-mail/Text: kburkley@bernsteinlaw.com May 22 2018 02:07:29 Duquesne Light Company,  
 c/o Peter J. Ashcroft,, Bernstein-Burkley, P.C., 707 Grant St., Suite 2200, Gulf Tower,,  
 Pittsburgh, PA 15219-1945  
 13919394 +E-mail/Text: kburkley@bernsteinlaw.com May 22 2018 02:07:28 Duquesne Light Company,  
 411 Seventh Avenue, Pittsburgh, PA 15219-1942  
 13919397 +E-mail/Text: wfmelectronicbankruptcynotifications@verizonwireless.com May 22 2018 02:06:13  
 Verizon, 500 Technology Drive, Suite 300, Weldon Springs, MO 63304-2225

TOTAL: 3

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

cr Duquesne Light Company  
 cr U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE  
 cr U.S. Bank National Association, as Trustee for Ter  
 cr Wilmington Savings Fund Society, FSB, d/b/a Christ  
 cr Wilmington Savings Fund Society, FSB, d/b/a Christ  
 cr\* +Municipality of Penn Hills, c/o Portnoff Law Associates, Ltd., P.O. Box 3020,  
 Norristown, PA 19404-3020  
 cr ##+Penn Hills School District and Municipality of Pen, Maiello Brungo & Maiello, LLP,  
 3301 McCrady Road, Pittsburgh, PA 15235-5137  
 13919393 ##+Debt Recovery Solutions, 900 Merchants Concourse 106, Westbury, NY 11590-5114  
 13997764 ##+Debt Recovery Solutions, LLC, 900 Merchants Concourse, Ste LL-11, Westbury, NY 11590-5121  
 13944114 ##+Penn Hills School District, c/o Maiello Brungo & Maiello, LLP, 3301 McCrady Road,  
 Pittsburgh, PA 15235-5137

TOTALS: 5, \* 1, ## 4

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.****Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: May 23, 2018

Signature: /s/Joseph Speetjens

District/off: 0315-2

User: jhel  
Form ID: 149

Page 2 of 2  
Total Noticed: 17

Date Rcvd: May 21, 2018

---

## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on May 21, 2018 at the address(es) listed below:

Brian C. Thompson on behalf of Debtor Thomas C. Clowney bthompson@ThompsonAttorney.com, blemon@thompsonattorney.com;LMichaels@thompsonattorney.com;jwrzosek@thompsonattorney.com;mgillespie@thompsonattorney.com;bthompson@ecf.courtdrive.com;jgorze@thompsonattorney.com  
Brian C. Thompson on behalf of Plaintiff Thomas C. Clowney bthompson@ThompsonAttorney.com, blemon@thompsonattorney.com;LMichaels@thompsonattorney.com;jwrzosek@thompsonattorney.com;mgillespie@thompsonattorney.com;bthompson@ecf.courtdrive.com;jgorze@thompsonattorney.com  
Elizabeth Lamont Wassall on behalf of Creditor U.S. Bank National Association, as Trustee for Terwin Mortgage Trust 2005-18ALT, Asset-Backed Certificates, Series 2005-18ALT vbarber@udren.com  
James Warmbrodt on behalf of Creditor Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not individually but as trustee for Hilldale Trust bkgroup@kmlawgroup.com  
James R. Wood on behalf of Creditor Municipality of Penn Hills jwood@portnoffonline.com, jwood@ecf.inforuptcy.com  
Jennifer L. Cerce on behalf of Creditor Penn Hills School District and Municipality of Penn Hills jlc@mbm-law.net  
Leslie J. Rase, Esq. on behalf of Creditor Wilmington Savings Fund Society, et al. lrased@sterneisenberg.com, ddelvecchio@sterneisenberg.com;dbogucki@sterneisenberg.com  
Leslie J. Rase, Esq. on behalf of Creditor Statebridge Company lrased@sterneisenberg.com, ddelvecchio@sterneisenberg.com;dbogucki@sterneisenberg.com  
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov  
Peter J. Ashcroft on behalf of Creditor Duquesne Light Company pashcroft@bernsteinlaw.com, ckutch@ecf.courtdrive.com;acarr@bernsteinlaw.com  
Ronda J. Winnecour cmecf@chapter13trusteedpa.com  
Stuart P. Winneg on behalf of Creditor U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE swinneg@udren.com, cblack@udren.com  
William E. Craig on behalf of Creditor Credit Acceptance Corporation ecmail@mortoncraig.com, mhazlett@mortoncraig.com;mortoncraigecf@gmail.com  
William E. Craig on behalf of Defendant Credit Acceptance Corp. ecmail@mortoncraig.com, mhazlett@mortoncraig.com;mortoncraigecf@gmail.com  
William E. Miller on behalf of Creditor Wilmington Savings Fund Society, et al. wmiller@sterneisenberg.com, bkecf@sterneisenberg.com

TOTAL: 15